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**CITY PLANNING COMMISSION
REGULAR MEETING
April 21, 2005**

APPROVED

Call to Order: The meeting was called to order by Chairperson Arthur Simons in the Committee of the Whole Room, 13th Floor of the Coleman A. Young Municipal Center, at 4:55 PM.

Roll Call: Present at the meeting were Commissioners Cason, Christensen, Glaser, Glenn, Jeffrey, Simons, Wendler and Williams. Absent was Commissioner Smith (excused).

Agenda: The Agenda was approved as submitted.

PUBLIC HEARING--
First amendment to the new Zoning Ordinance and an addendum to the proposed amendment: A public hearing was held to consider the first amendment to the newly adopted Zoning Ordinance (effective May 28, 2005) to make changes to the text relative to wireless telecommunications, a design review advisory committee, site plan review, housekeeping, intensification of use, procedure and jurisdiction, petition requirements, overlay areas, drop-off/pick-up areas, established grade vs. grade plane, waste receptacles in loading/unloading zones, accessible parking, landscaping, screening, color guidelines, multi-building, multi-family developments, addition to building vs. new construction and definitions. Also under consideration was an addendum to the proposed amendment to provide design standards for the Traditional Main Street (TMS) overlay areas.

CPC staff member Rory Bolger summarized the background information.

The new Zoning Ordinance was passed by City Council on March 16, 2005 and approved by the Mayor on March 23, 2005. After City Council's third discussion of the proposed ordinance in March 2004, Council directed CPC staff to freeze the text of the ordinance. Subsequent discussions at Council in January 2005 and detailed review by the Law Department resulted in a variety of corrections and edits to the version of the Ordinance that was finally introduced, heard at public hearing, and voted on. At the time of the March 14, 2005 public hearing, City Council was aware of numerous additional friendly amendments offered by the interdepartmental working group that had worked on the ordinance since 1998. Council directed that those changes be saved for a first amendment. If adopted, the first amendment would go into effect May 29, 2005.

Mr. Bolger reviewed the amendments. These included changing the name of "pedestrian-retail" overlay area to "traditional main street" overlay area. The downtown and riverfront areas are removed from under the pedestrian-retail heading and established as a new overlay area type. Two areas are added to the list of traditional main street overlay area—West Vernor/Springwells and a segment of Michigan Ave. within and near Corktown. The

Planning and Development Department (P&DD) is authorized to develop both standards and guidelines for overlay areas. Petition circulation requirements that had been referenced in licensing ordinances of the Detroit City Code are restated in Zoning with regard to amusement parks, dance halls, firearms target practice ranges, miniature golf courses, go-cart tracks, motorcycle clubs, rebound tumbling centers, certain commercial recreation facilities, concert cafes, and concert halls. The role, authority and procedures of the Wireless Telecommunications Site Review Committee are clarified and expanded. A design review advisory committee is established to assist the P&DD in its review of permit applications for designated overlay areas and to help determine consistency with applicable design standards. The meaning of the term “intensification of use” is clarified and exemplified. The order in which the Board of Zoning Appeals must consider cases, involving both appeals and variances is clarified; procedures relative to petition verification for cases heard by the Board are clarified. The term “grade plane” is defined and replaces the terms “established grade” with reference to buildings. The applicability of site plan review is narrowed; the eligibility for expedited review is expanded; the submittal requirements are clarified; the Buildings and Safety Engineering Department is authorized to participate in all site plan reviews. Signage and parking space provisions for handicapped parking are restated in Zoning. The types of acceptable screening materials and treatments are clarified. A definition for “structure, principal” is provided; the definition of “toxic substance disposal facility” is restored.

Mr. Bolger reviewed the background information that led to the proposed addendum, and the substance of the provisions for the Traditional Main Street overlay areas.

The Mayor’s Office of Neighborhood Commercial Revitalization (ONCR) worked with P&DD and several organizations to develop design standards and guidelines for commercial strips in those neighborhoods where the community and businesses sought a better appearance to the business strip. ONCR convened a Design Task Force composed of representatives of the NorthStar Community Development Corp., Arab-American & Chaldean Council, Jefferson East Business Assoc., Mexicantown Hubbard Communities, Grandmont-Rosedale Development Corp., Greater Corktown Development Corp., Southwest Detroit Business Assoc., University Cultural Center Assoc., and the New Center Council. The Design Task Force met on a biweekly basis for several months with staff from P&DD and the CPC to craft and fine-tune the standards and guidelines that P&DD staff had drafted. The Law Department clarified that if the provisions of the guidelines and standards were to have the force of law, they would have to be written into the Zoning Ordinance, as opposed to being adopted by reference as a separate stand-alone document, as originally understood.

The guidelines and standards were not translated into ordinance format in time for public notice for today’s public hearing. However, the Design Task Force met for a final time on April 14, 2005 and reached consensus on the specifics of two site design standards, 15 building design standards, two parking design standards, one signage standard and various procedures. The ONCR and the nine organizations that have worked with P&DD on these standards are requesting the CPC to consider the Traditional Main Street (TMS) overlay area design standards as a friendly amendment to the first amendment of the new Zoning Ordinance.

The provisions of the addendum amend the boundaries to accurately reflect the boundaries of the Bagley/Vernor TMS overlay area and the Vernor-Springwells TMS overlay area; require the Buildings & Safety Engineering Dept. to forward permit applications involving property

in a TMS overlay area to P&DD for review except for interior alterations applications; the review period for demolition permit applications is limited to five days; allow residential uses combined in structures with permitted commercial uses on land zoned B2, B3, or B4 within TMS overlay areas on a by-right basis rather than as a conditional use in order to encourage reuse of establishment of apartment buildings that have ground-floor commercial; specify that P&DD would be authorized to waive up to ten off-street parking spaces for a use in a TMS overlay area that could provide at least 50% of the spaces required by the ordinance in order to encourage the pedestrian character of the designated overlay areas and to discourage businesses from demolishing adjacent buildings for surface parking and prohibit parking between the building facade and the street; prohibit setbacks from the property line in order to maintain and encourage the street wall, prohibit barbed wire to enhance the appearance of a site and limit the height of any fence in TMS overlay areas; provide building design standards addressing massing, scale and form; fenestration and architectural details, transparency, corner lot buildings, entryways, materials, color and finish, awnings, canopies and marquees, lighting; blank walls, security roll-down grilles, rooftop mechanical equipment, renovation, addition and maintenance of existing buildings, and vacant structures; and address the placement, materials and quality of signage and communication elements.

Commissioner Williams requested clarification of the TMS overlay areas. He inquired as to the difference between the overlay area of 7 Mile/Livernois area and the remainder of Livernois to 8 Mile Rd. Mr. Bolger reiterated background information on the TMS overlay areas and the fact that the community initiates the boundaries of the districts.

Commissioner Glaser noted that most of the overlay areas appeared to be located on the west side. She inquired as to the reasons why the 7 Mile/Gratiot commercial area was not included as an overlay area. Mr. Bolger noted that the communities included in the list to be designated as overlay districts sought the City's help in making commercial redevelopment consistent in defined areas. He wasn't aware as to whether 7 Mile/Gratiot business organizations said it wanted design and other restrictions imposed upon the area.

Commissioner Glaser inquired as to whether there was any economic benefit in being designated a TMS overlay area. Mr. Bolger responded that there weren't any direct benefits from the ordinance itself. Ms. Bruhn reviewed the history of the designation of the ONCR districts for commercial neighborhood improvements. The ONCR office under the direction of Alan Levy and in concert with the community, businesses and residents of the districts developed guidelines for commercial redevelopment. These areas are ready to have something codified for their area. The TMS overlay designation is not a City-wide competition. Over time, other neighborhoods can come in and ask to be designated. Not every community is ready to have design guidelines imposed on its neighborhoods. The overlay area designations are not exclusive. The 7 Mile/Gratiot community can ask to be designated as an overlay area.

Commissioner Glaser inquired as to whether there are equal opportunities for both east and west communities to be designated as a TMS overlay area. Ms. Bruhn noted that the areas being designated at this time are the groups who knew about the overlay districts and requested the overlay district designation. A City-wide announcement was not made.

Commissioner Glenn cited the area of 8 Mile Rd. between Greenfield and Livernois and the need for it to be designated as an overlay district. He was discouraged that this area was not being considered for designation at this time.

Commissioner Jeffrey summarized the history of the ONCR designations. The ordinance amendment under consideration does not have anything to do with the ONCR designations. There isn't any funding associated with the TMS overlay districts. The areas proposed to be designated have bought into the main street design for their commercial business strips. Every commercial district may not want this type of design imposed upon it. Business organizations must know that the overlay guidelines are restrictive. If a community wants to be designated as an overlay area, it can make that request.

Mr. Bolger noted that CPC staff learned through the P&DD of the community organizations' interest in being designated an overlay area.

Commissioner Williams noted that the 6 Mile/Livernois area does not have a business district as opposed to the 7 Mile-8 Mile/Livernois area. Commissioner Jeffrey indicated that he was on the committee that reviewed the applications for ONCR designation. The community organizations identified the boundaries to be designated as an ONCR district. Ms. Bruhn noted the boundaries for that particular ONCR district were designed to include certain institutions, e.g., U of D and Marygrove. The boundaries were community driven.

Commissioner Williams noted that community-based organizations should be made aware of the possibility of being designated as an overlay district.

Commissioner Glenn again raised concern regarding the need for designation of 8 Mile as an overlay area. The issues have been raised with the community.

Mr. Bolger noted that P&DD submitted as many as 18 organizational areas to be designated as overlay areas. CPC staff felt that it was better to be cautious in the number of areas designated to make sure that design guidelines and standards are not being imposed upon businesses. Other organizations may want to be designated as an overlay district and may apply for the designation.

Mr. Bolger reviewed other changes to the ordinance.

Commissioner Glenn requested the names of the business organizations that are part of the overlay areas. Mr. Bolger named the community organizations.

In response to Commissioner Glaser, Mr. Bolger noted that previously developed properties could be grandfathered in to the overlay districts, e.g., Riverbend shopping center.

Khalil Mogassabi and Harry Lewis of the P&DD summarized background information regarding TMS overlay and major corridor areas.

Mr. Mogassabi noted that two years ago, the Urban Design Unit (UDU) of the P&DD was given the task to propose design policies as part of the Master Plan revision. The Master Plan recommends overlay areas for the downtown and the Riverfront, major corridor areas and TMS overlay districts. P&DD is only at the stage of proposing guidelines and standards and designations for TMS areas. A letter from the P&DD dated June 26, 2003 recommended the designation of 18 overlay areas. The idea was not to exclude any area. The UDU completed its first draft of design guidelines in September 2004. The UDU has worked with the ONCR and others to finalize the standards and guidelines. The Law Department determined that the guidelines and standards should be part of the Zoning Ordinance in order to have the effect of law.

P&DD recommended three additional areas be considered as overlay districts--Warren Ave. between the Lodge and I-75, Mack between the Lodge and I-75 and as a major corridor district, the entire 8 Mile Boulevard. The 8 Mile Boulevard Association is working to establish a program for street facade improvement. Eight Mile is the "front door" to the City. The design guidelines would allow for an improved environment and design scrutiny. P&DD also recommended extending the boundaries of an overlay district--Livernois from St. Martin north to 8 Mile Rd. and McNichols from Lawton east to Highland Park. P&DD noted interest in approaching the City of Highland Park to adopt the City of Detroit's standards and guidelines.

Mr. Bolger noted that the additions and extensions proposed by the P&DD could be inserted into the Zoning Ordinance at any time. Organizational representatives of the proposed additional and extended overlay, however were not present to say whether they wanted the designation. CPC staff was hesitant to include the areas at this time.

Mr. Mogassabi responded to questions as to the reasons why Warren between the Lodge Freeway and I-75 is being recommended as an overlay area.

Commissioner Glenn noted that the 8 Mile area does not have a business association but does have community organizations and block clubs. Fifty percent of the buildings on the south side of 8 Mile between Livernois and Greenfield are vacant. The community would like to have some control relative to the criteria of what goes in that area.

Commissioner Glaser inquired as to whether organizations apply to receive the overlay designation or whether the designation is awarded upon the recommendation of P&DD. Mr. Mogassabi noted that the designation is based upon the recommendation of the P&DD with input from the community.

Commissioner Williams suggested that the P&DD contact Harriet Saperstein of HP Devco regarding Highland Park adopting similar guidelines.

The following persons spoke at the public hearing.

Tim Corbeck, University Cultural Center Association, 4735 Cass, expressed support. The Association has been working for the past seven years to get design standards and guidelines appropriate for Woodard Ave. The Cultural Center Area is not designated an ONCR district. There is no financial gain from being designated a TMS overlay area. The Cultural Center area is anchored by the Medical Center and Wayne State University. With the guidelines, the institutions will be required to adhere to standards for items such as parking structures. They will have to be visually consistent with the historical flavor of the area. The setting of standards was a give and take process with considerable debate.

Kelli B. Kavanaugh, Greater Corktown Development Corporation, 2411 14th St., Suite 200, expressed support. Ms. Kavanaugh cited the appropriateness of designating a segment of Michigan Ave. within and near Corktown as a TMS overlay area. The Corporation wants new development to fit in with existing buildings. The standards would make it easier for persons to buy, develop and reside in 2-3 story vacant buildings without "jumping through extra hoops."

Patricia Carter, Oakman Boulevard Community Association, 3126 Ewald Circle, expressed concern regarding wireless antennas. In a letter dated May 19, 2003, the Association, et al, expressed concern that since the erection of two cell phone antenna towers in September 1997, the majority of residents in the area surrounding the DPW Yard at 8221 W. Davison have been experiencing poor television reception. Additional major antenna installations in the area bounded by Lyndon, Livernois, Grand River and Meyers have compounded the problems of loud noise interference with heavy white lines and low noise interference with thin white lines. The antennas are causing interference with residents' cable and digital satellite services. She noted that Novotel was fined over \$8 million for interfering with airwaves in Philadelphia when fireman were experiencing problems with their walkie-talkies. Two Novotel antennas are installed in the Oakman Boulevard neighborhood. Call centers for 911 and 311 are located at Lyndon and Schaefer. Ms. Carter expressed concern regarding the lack of citizen input on the Wireless Antenna Review Committee. Residents should have the final decision on whether or not antennas are located in their neighborhood. Petitions should be circulated.

Mr. Bolger noted that two substantive issues, antennas/communications and gas stations, are not included in the first amendment. A draft ordinance has been prepared revising the 1988 ordinance relative to antennas/communications. The ordinance was held until this ordinance was passed. The Federal Communications Commission Act of 1996 ruled that a City cannot shut out cell sites. There is no firm determination as to whether the interference problems in the Oakman Boulevard area are being caused by cellular antennas. The City may want to look at whether cellular antennas can be placed in industrial areas as a matter of right.

Gwen Mingo, 269 Watson, inquired as to how the repeal of Ordinance 390-G and the first amendment impact the Brush Park and Brewster Douglas areas. Mr. Bolger explained the background information and process that led to the adoption of the new Zoning Ordinance, and noted changes between the old and new versions. No changes have been made to the zoning maps. No changes have been made with respect to conformance with development plans for urban renewal areas. Non-conforming uses are prohibited in the area of Woodward

between the Fisher Freeway and Highland Park. Ms. Mingo expressed concern that the street patterns in Brush Park, an historical district, were to remain the same but have been chopped up. P&DD is recommending that Mack Ave. from Lodge Freeway to I-75 be designated as an overlay area, but the community does not know anything about it. Ms. Mingo expressed concern that the Citizens' District Councils (CDC) have not been mentioned at all. The CDC's are the spokespersons for the community. For example, there has been mention of development of Jefferson but no mention of the W. Jefferson CDC. Mr. Bolger noted that City Council is also required to hold a public hearing on the first amendment.

Mr. Mogassabi stated that he would be happy to sit down with Ms. Mingo to discuss in more detail the overlay district concepts, and process. Nothing is being forced upon the communities. Ms. Mingo invited P&DD to attend a Coordinating Council meeting on May 1.

Commissioner Glenn noted that the 8 Mile Boulevard Association deals only with the center of 8 Mile Rd. It has not done anything on the south side of 8 Mile Rd. They have a lot of work in the center. Ms. Bruhn noted that the Association is comprised of 13 municipalities and Detroit with boundaries extending from Farmington Hills to East Pointe and including both sides of the roadway.

Commissioner Glaser felt that the P&DD should be asked to consider the east side of Detroit when considering overlay districts, such as 7 Mile/Gratiot. The east side has the highest concentration of children per square mile. Mr. Bolger noted that there would be additional amendments to the Zoning Ordinance. Other areas could be added at that time.

Commissioner Glenn felt that the amendment could be amended at this time to include 8 Mile as an overlay area. Ms. Bruhn felt that the CPC should not jump in and add areas at this time. The City needs to make sure that the community organizations know what the district will mean.

**ACTION: Commissioner Cason moved to accept the CPC staff recommendation.
Commissioner Christensen seconded the motion.
Vote: Yeas: 5
Nays: 1 (Commissioner Glenn)
Motion carried.**

PUBLIC
DISC.—

Historic
Fort Wayne
Master
Plan:

A public discussion was held on approval of the proposed Historic Fort Wayne Master Plan.

Present for the discussion were Dr. Zembala, Director, and James Conway, Chief Curator, Historical Department and Bode Morin, Project Manager for Historic Fort Wayne.

CPC staff member Michael Adebayo reviewed the background information and the history of the Fort. Details were contained in CPC staff's April 18, 2005 memo to the Commission.

The Historic Fort Wayne Master Plan was presented to the City Council on July 15, 2004. The Historical Department asked City Council to approve the Plan so that Fort Wayne could become a greater asset for education and recreation. Council held a brief discussion on the Master Plan on November 10, 2004 and asked the CPC to review it because it should be considered as part of the City's Master Plan of Policies.

Fort Wayne was closed for operation from 1992 to 2000. The facility is owned and operated by the City of Detroit Historical Department. The City of Detroit intends to continue to maintain ownership and overall control of the site of the Museum as stipulated in the deed which transferred the Fort from Federal control to the City.

The goal for the Historic Fort Wayne Master Plan aims at establishing the site as a regional destination for visitors, with the historic Star Fort and the Military Village as core attractions. The Historic Fort Wayne Master Plan is a 25-year vision, which would work in concert with emerging neighborhoods and other park-like uses to increase use and annual visitation.

Mr. Adebayo noted that several recommended treatments in the proposed Master Plan are intended to halt the current severe state of deterioration of the structures through repair and stabilization; preserve the interior and exterior character of the buildings as prescribed by the Secretary of the Interior's Standards for the Treatment of Historic Properties; recognize that the Star Fort and Old Barracks are the most architecturally unique structures on the site; provide access to buildings by individuals with disabilities; provide a modern mechanical and electrical system to accommodate new uses; and move Historic Fort Wayne towards economic self-sufficiency.

Dr. Zembala summarized the history of development of a Master Plan for the Fort and existing conditions at the Fort.

In the 1980's, the Historical Department tried to develop the Fort as an interpretive museum containing 44 buildings. However, State funds were eventually withdrawn. This resulted in 10 years of disuse and deterioration of the Fort. If the decay is allowed to continue, the City will lose a rich part of its heritage. The Fort represents the arsenal of democracy beginning in the Civil War. The Fort was the largest military parts depot during World War II. The Smith Group was selected to assist in the development of the Master Plan given its experience and work at other decommissioned Forts in the country.

Dr. Zembala noted that the proposed Master Plan is doable in phases. The Plan provides realistic steps in achieving the vision in the Plan. Dr. Zembala emphasized the need for the Department to obtain outside resources to assist in the renovation of the Fort given the fiscal crisis facing the City of Detroit and the Historical Department. The Department wants to involve Federal, State and County agencies and the Huron Clinton Metropolitan Authority as well as the private sector.

Mr. Conway distributed copies of a December 19, 1945 edition of *Truck Tracks*, a newspaper that was published in the interest of the military and civilian personnel of Fort Wayne.

Commissioner Cason expressed support for the preservation and redevelopment of Fort Wayne. Citing the fiscal condition of Detroit, he noted that the City could not restore, redevelop or operate the Fort by itself. He suggested the establishment of a Regional Authority. Dr. Zembala noted that a new committee was recently established to deal with resources for funding Fort Wayne. To date, the committee has not approached SEMCOG,

but has given thought to the establishment of a regional authority. The Department is agreeable to the suggestion.

In response to Commissioner Wendler, Dr. Zembala noted that the Department has received \$2 million from the past millage. The funds will be spent this summer on initial upgrades to the Fort.

Commissioner Wendler noted interest over the years in restoring the Fort. The proposed Master Plan is the most rational to date. She commended Dr. Zembala for his leadership.

Dr. Zembala stated that the initial phases of the Master Plan focus on the development of the historic Star Fort and contents as an historical structure. Later phases may include the development of commercial or residential uses.

Upon questioning, Dr. Zembala noted that although there has been discussion about moving to City Airport, the Tuskegee Airmen are to remain on site. He noted the success of activities at the Fort including civil war reenactments.

In response to Commissioner Glaser, Dr. Zembala noted that City residents would be hired for renovations and other projects.

Commissioners Christensen and Glenn noted fond memories of the Fort and their experiences there during WWII. They felt that the Fort is a jewel and wished the Department the best of luck in their plans to renovate and redevelop the site.

Dr. Zembala noted that the Fort would be open every weekend during the summer. A total of 30% of visitors to the Fort are from Oakland County. Except for admittance fees, these visitors provide no financial support to the Fort.

Commissioner Glenn suggested that the Department invite former servicemen back to the Fort to help with clean-up efforts.

Dr. Zembala noted fundraising efforts including plans for a "buy a brick" program.

Mr. Morin noted that groups have expressed interest in holding reunions at the Fort; tours have also been given. The Fort maintains a corps of volunteers on site.

Commissioner Christensen cited interest in touring the Fort.

The following persons spoke at the public discussion.

John Nagy, Vice Chairperson of the Delray United Action Council, 7859 Bacon, expressed support. He felt that it would be a shame if the Fort continued to fall into decay. He cited support for being taxed provided the monies would go specifically to Fort Wayne. The restoration of the Fort and the development of commercial or residential would be a "springboard" for the Delray area.

Bob Cosgrove, 1424 Iroquois, adjunct curator at the Detroit Historical Museum, expressed support. The Plan addresses the renovation of structures and other problems.

Gwen Mingo, 269 Watson, a teacher, noted educational experiences with her students at the Fort, particularly the theater. She cited the need to promote recreational uses. She expressed support for the Master Plan but was not keen on plans to develop commercial or residential uses.

Dr. B.J. Shaff, 4605 Riverdrive, Troy, left prior to his name being called.

Commissioner Christensen cited the need to do something with the former Revere Copper and Brass property located adjacent to the Fort.

The matter was taken under advisement.

OLD
BUS.—
Master
Plan
Amend-
ment for
the East
Riverside
Subsector
to allow
residential:

Further consideration was given to the request of the Planning & Development Department (P&DD) to amend the *Detroit Master Plan of Policies* for the Generalized Proposed Land Use Map for the East Riverside Subsector to show an RL (Low-Density Residential) designation where RH (High-Density Residential), MP (Major Park), LT IND (Light Industrial) and SRC (Special Residential-Commercial) designations exist for the area generally bounded by Freud, Lycaste, the Detroit River, and St. Jean. The subject property is currently vacant except for three contiguous parcels on St. Jean near the southern end of the site (Precision Marine, Hackett Brass and Thompson Properties). The amendment is being proposed to allow for residential development of condominium townhouses, single-family detached homes, and a 23-story condominium tower with an attached parking garage. A proposed rezoning of the subject property from M4 (Intensive Industrial District) to PD (Planned Development District) is also under consideration.

CPC Deputy Director Marcus Loper reviewed the amendment and responded to concerns raised at the Commission's April 7, 2005 public hearing on this matter. Concerns included lack of public access to the river; proximity to intensive industrial uses (specifically Petro-Chemical Processing and the Detroit Edison Conner Creek plant); possible evacuation of residents in the event of a serious fire at Petro-Chemical; possible negative impact on adjacent businesses on St. Jean; impact of truck traffic from TDS trucking company on the proposed residential development; the relationship of the Master Plan designation to the zoning designation; the need to accommodate residential, business and industry in the area; odors and noise generated from industry in the area; adequate buffering of residential from the surrounding/adjacent industrial uses; and whether or not an RFP for development of the subject property was issued.

Mr. Loper noted that while conditions and recommendations are not appropriate as part of the approval of a Master Plan amendment, they can be part of the rezoning to PD. Most of the issues will be specifically addressed in the conditions and recommendations of the proposed rezoning of the subject property.

The developer has agreed to accommodate public access to the riverfront on the St. Jean side of the development. This will complement the existing public boat launch and greenspace at the foot of St. Jean.

The developer intends to create a buffer including trees and other vegetation on the Freud boundary of the development. This should serve as a visual and noise buffer, as well as to help capture airborne particulates and pollutants. Berms and/or trees and other greenery will also extend along the entire inner and outer perimeter of the development.

CPC staff recommended that the City be responsible for monitoring of surrounding and adjacent industries to help ensure compliance with City, State and Federal codes and regulations, specifically with regard to factors that could impact the health and safety of residents in the area. With regard to concerns about the need for evacuation of residents in the event of a serious fire at Petro-Chemical Processing or another industry in the immediate area, CPC staff recommended that the Fire Department be consulted about the need for an emergency response plan.

CPC staff recommended that the Traffic Engineering Division of the Department of Public Works be consulted regarding truck routes of industry in the area, specifically TDS Trucking Company located on Freud, to determine the best and safest routes to accommodate both the industrial uses and residential uses in the area.

As to the coexistence of residential and industrial, CPC staff noted that the current Master Plan designation on the portion of the subject property where industry currently operates is SRC (Special Residential-Commercial). The proposed RL designation does not impact these industries any more than the current designation, neither of them being industrial. Recognizing that there may be conflicting interests with the proximity of residential to industrial, CPC staff noted that dialogue should take place among the various interests. A representative from the Jefferson East Business Association (JEBA) expressed concerns at the public hearing about possible conflicts and suggested that such dialogue take place. CPC staff has since contacted JEBA and they are in the process of organizing this dialogue and have agreed to take leadership in working with all concerns to better facilitate the transition and growth occurring in the area.

If the City intends to continue to develop this general area as residential, downzoning of the remaining industrial parcels to a less intensive industrial zoning designation should be considered to prevent expansion or additional location of intensive industrial uses, most of which would be incompatible with residential uses. The City should offer assistance in identifying other appropriate industrial areas within the city to existing industries that may wish to relocate.

With regard to issuance of an RFP, P&DD indicated that it is not their practice to send notice of an RFP to adjacent landowners. The RFP for the development of the subject property was advertised in the *Detroit News*, the *Detroit Free Press*, the *Detroit Legal News* and the *Michigan Chronicle*.

CPC staff recommended approval of the proposed amendment.

**ACTION: Commissioner Wendler moved to accept the CPC staff recommendation.
Commissioner Glaser seconded the motion.
Motion carried.**

OLD
BUS.—
Rezoning
for
Morgan
Estates:

Further consideration was given to the request of Morgan Development, L.L.C. to rezone the area of Freud, Lycaste, St. Jean and the Detroit River (Laro Coal site) from M4 ((Intensive Industrial District) to PD (Planned Development District) for residential development including 92 low-rise condominiums, 43 single-family homes, and a 23-story, 192-unit condominium tower with an attached 3-level parking garage.

CPC Deputy Director Marcus Loper reviewed the proposal and addressed concerns raised at the Commission's February 3, 2005 public hearing on this matter. Concerns related to ownership of the Marine Precision, Hackett Brass and Thompson properties located on the St. Jean side of the subject property; the impact of a Neighborhood Enterprise Zone (NEZ) designation; whether or not the proposed development is the best use of the land, particularly because of proximity to industrial uses; problems with Petro-Chemical Processing, located north of the subject area; impact of the rezoning and residential use on existing industry; and public access to the river.

Mr. Loper reviewed a revised site plan submitted by the developer.

CPC staff has been in contact with the Michigan Department of Environmental Quality (MDEQ) and the Fire Department, as well as worked with the Planning and Development Department and the Department of Environmental Affairs to resolve the issues. It is the expressed intent of P&DD to transition riverfront land in this area from industrial uses to residential uses. CPC staff did not object to this policy goal, but expressed concern with the process of the transition. The transition should be planned with consideration of the challenges to be faced by both residents and existing or remaining industry.

The designation, which surrounds the proposed residential development, allows, by-right, a number of uses that are not compatible with residential uses. A concerted, planned effort is necessary during a transition from intensive industrial uses to residential uses, which are the least intensive of all land use designations in the Zoning Ordinance. Consideration for health and safety of residents is paramount. Existing industry should be held to operational and performance standards as dictated by City, State and Federal law. However, these industries are also employers and contribute to the commerce of the city. Innovative measures to facilitate coexistence must be devised. As this general area transitions to residential with this development and the proposed housing development at Harbor Hill, as well as the continued development of Jefferson Village, it is the responsibility of the City to institute measures and work with the appropriate agencies to help insure that health, safety, traffic and other concerns of both residents and industry are addressed. For those industries that may wish to relocate, the City should provide assistance in identifying appropriate alternative industrial sites within city boundaries to keep jobs in the city and maintain the tax base. The Jefferson East Business Association has initiated and has accepted responsibility to continue facilitating dialogue among all concerned as this area continues to develop.

CPC staff noted that the MDEQ will be responsible for approving an environmental remediation plan to bring the subject property to a standard defined by the State as acceptable for residential use. The developer is adding berming and vegetation for both beautification and as a buffer against noise and possible airborne particulates and pollution

that may result from industrial uses in the area as well as truck traffic along Freud. The developer will accommodate public access to the Detroit River as well.

The developer will also be seeking a Neighborhood Enterprise Zone designation and approval of a Brownfield Plan. The prices for the various types of proposed housing range from approximately \$185,000 to \$1.5 million. Property taxes without an NEZ would range from approximately \$6,500 to \$53,250. Property taxes with an NEZ would range from approximately \$3,200 to \$26,250.

CPC staff recommended approval of the proposed rezoning provided that the developer provides additional buffering to the Freud boundary of the development to create a visual and noise buffer, as well as to help capture potential airborne particulates and pollutants that may be generated by industry located on the north side of Freud, as well as by truck traffic along Freud; provides public access to the Detroit River on the St. Jean side of the development; and submits final site plans and elevations to the CPC staff prior to the issuance of the applicable building permits. CPC staff further recommended that the P&DD and Department of Environmental Affairs work together and with other appropriate City departments to address environmental concerns, as well as to prevent possible negative impacts to the residential development through monitoring adjacent and surrounding industry for compliance with City, State and Federal regulations and conditions for operation, specifically with regard to factors that could impact the health and safety of residents in the area; consultation with the Fire Department regarding the need for an emergency response plan to be conveyed to the developer; consultation with the Traffic Engineering Division of the Department of Public Works regarding truck routes of area industry, specifically TDS Trucking located on Freud, to determine the best and safest truck routes to accommodate both the industrial and residential users; working with CPC staff to examine possible downzoning of surrounding industrially zoned land to protect the growing residential developments in the area; meeting with the Jefferson Avenue Business Association to address concerns about the coexistence of residential, commercial and industrial and to help facilitate the transition of residential into the area; and assisting those businesses that may wish to relocate from the area in identifying other appropriate industrial areas within the City.

ACTION: Commissioner Glenn recommended approval of the CPC staff recommendation with the added condition that the developer obtain the approval of the MDEQ of an environmental remediation plan to make the property acceptable for residential use. Commissioner Cason seconded the motion. Motion carried.

OLD
BUS.—
Approve
PD plans
for area
in Brush
Park for
infill
housing:

Further consideration was given to the request of Central Brush Park, LLC to approve plans for development in an existing PD (Planned Development District) zoning classification for the area generally bounded by John R, the alley north of Watson, Brush, and the alley south of Edmund Place to construct infill housing (approximately 145 units) in a variety of housing types and styles.

CPC staff member Gregory Moots reviewed the development and responded to concerns raised at the Commission's April 7, 2005 public hearing on this matter. Concerns related to

parking and tailgating, affordability of the units and available funding, facade rehabilitation grant program, appearance of the units, impact of construction on the existing neighborhood; and various allegations that the current residents aren't being taken care of, that the acquisition of the land within the project boundaries by the City was somehow illegal, that the developer had not attempted to work with the CDC early enough in the process and that the proposed developer may not be financially able to complete the proposed project.

The development consists of the construction of residential lofts at the southeast corner of Edmund Place and John R and the northwest and southwest corners of Edmund Place and Brush that would have 25 units each (for a total of 75 units) and would be 5 stories in height (with an additional possible mezzanine floor). Parking would be on the first floor, as would be two live-work lofts. The facades would be primarily brick, with a contrasting masonry base. Clustered row houses are proposed along Watson and Edmund Place, and would contain 2, 4, or 5 units, depending on the size of the available land, for a total of 35 units. The exteriors would be brick with masonry highlights and are proposed to be three-stories in height. Parking would be in the rear of the first floor of all the buildings, and access to the garages would be from the alley.

A custom carriage house on the south side of Watson between Brush and John R would be a combination garage and loft building. The first floor of the buildings would contain a total of 16 single-car garages and be tall enough to allow the use of vehicle lofts in the future to double the capacity. The second story in each building would contain 2 lofts. The exteriors would be brick, with masonry highlights. The entrances to the garages would be from the sides, and each garage would have a separate door.

The 16 live-work lofts proposed at the northwest and southwest corners of Watson and Brush, and at the southwest corner of John R and Edmund Place, would have one-story attached garages with live-work spaces on the first and second floors. The exact size of the buildings depends on site size. Retail uses on the first floor are contemplated in the future, though there are no off-street parking spaces provided for retail at this time. The facades would be primarily brick, with a contrasting masonry base.

Carriage houses are proposed along the alleys in the project. These would be two stories in height, with a first floor garage and a deck above the garage. A total of 15 units are proposed in the 4 buildings of this style. Access would be from the alley. The exteriors would be brick, with masonry highlights. The number of units in the structures varies, depending on the lot configuration.

As to complaints from members of the public that persons attending events at the stadia are parking on vacant lots and filling up all available on-street parking spaces, the Brush Park Development Corporation staff has requested from the Traffic Engineering Division of the Department of Public Works a copy of the petition form to have some or all of Brush Park designated as a Resident Permit Parking area. CPC staff is also working with the Detroit Police Department to clarify the Department's policy on the non-commercial parking of cars on vacant lots. Additionally, CPC staff is exploring the enforcement of trespassing statutes on those parking on property without the owner's permission. The Consumer Affairs Department reported that 25 tickets have been issued to persons illegally operating parking lots, many of those in Brush Park.

As to concern about where persons will park for the 2006 Super Bowl, CPC staff has referred the question to the Super Bowl Host Committee for consideration. Parking for the Super Bowl may be less intrusive in the area than a regular Lion's game due to the use of shuttle buses from hotels.

As to whether current and former residents of Brush Park could afford to purchase one of the proposed units, the developer has committed to making 20% of the units available to those of moderate income as defined by HUD. For a family of three, moderate income is defined as a family earning up to \$50,350. HUD's definition is for all of Wayne County. For the price of the units to be lower, some sort of subsidy would be required. The City did not request that the units be affordable to those earning less than HUD's definition of moderate. Unfortunately, there are no HOME funds available to subsidize the cost of units to bridge the gap between the cost of construction and a more affordable sale price.

Criteria used by the Brush Park Development Corporation to evaluate requests for funding for facade rehabilitation were included in the CPC delivered packets. A \$60,000 match is required of the person requesting the funding. The \$60,000 can either be invested over a period of 5 years, or be in improvements already made to the property. Sixteen properties have received funding so far.

As to the existence of non-City programs to assist property owners, CPC staff noted that the assistance amounts offered are not large enough to make a significant contribution to one of the historic homes in the area because of their tremendous upkeep needs. The programs, however, could be of assistance to a person seeking to purchase one of the "affordable" units in the proposed development.

As to the concern of a building owner who indicated that she has been without water since 1989, the Water and Sewerage Department stated that it had disconnected the water an undetermined amount of time ago and had removed the meter because the property had been reported as vacant. The Water and Sewerage Department indicated that it would send out a field engineer to investigate the situation on April 15. Once the outstanding water bill on the property is paid, plus \$40 to replace the meter, the water should be turned on.

As to problems experienced by the residents during the reconstruction of streets and alleys in the area and the replacement of utilities, the construction manager, the Detroit Economic Growth Corporation, should be contacted to address the problems.

Mr. Moots noted that CPC staff attended the April 12, 2005 Citizens District Council meeting where this project was presented to the CDC. After comments from the members of the public present, the CDC voted "no" on the proposal citing a lack of the proper documentation called for in Public Act 344. Only 6 of the 17 CDC members were present at the meeting.

CPC staff recommended approval of the development with the condition that final site plans, landscaping, and elevations be approved by staff prior to the issuance of building permits.

In response to Commissioner Glenn, Mr. Moots noted that retail is not included in the proposal.

Commissioner Glaser requested to be informed when the water is turned back on at the residence of Rev. Gause.

**ACTION: Commissioner Glenn moved to accept the CPC staff recommendation.
Commissioner Cason seconded the motion.
Motion carried.**

Director's
Report: Ms. Bruhn presented the Director's Report.

A status report on the World Class City study was included in the CPC table packet. Commissioner Glaser requested that a survey be sent to Brussels, Belgium.

Ms. Bruhn noted that City Council has completed its first round of review of the Community Development Block Grant and Neighborhood Opportunity Fund programs. The Council has deviated from its adopted criteria. The final vote on the program will take place on May 24, 2005.

Ms. Bruhn noted that a memo would be sent to Amru Meah, Buildings and Safety Engineering Department, Medina Noor, Department of Administrative Hearings, and Sara Lyle, Departmental of Environmental Affairs, forwarding questions and concerns on the Department of Administrative Hearings.

Commissioner Glenn expressed frustration and anger that a project worked on since 1996 was "slapped in the face." He requested a private meeting with the Commission to discuss his concerns. Ms. Bruhn noted that the Commission has to meet in public. The Commission can only meet in private under certain circumstances. Commissioner Glenn indicated that he would make an appointment with Ms. Bruhn to discuss his concerns.

Adj.: The meeting was adjourned at 8:00 PM.